



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

**GOVERNOR'S ADVISORY COUNCIL
TO THE DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

June 17, 2014

The Governor's Advisory Council to the Division of Developmental Disabilities Services met on June 17, 2014, at the 1056 Woodbrook Conference Room, Dover.

COUNCIL MEMBERS PRESENT: Anthony Horstman, Chair
Timothy F. Brooks, Ed.D.
Thomas Rust
Jamie Doan
Angie Sipple
Terri Hancharick

COUNCIL MEMBERS ABSENT: N/A

STAFF MEMBERS PRESENT: Jane Gallivan
Marie Nonnenmacher
Warren Ellis
Pat Weygandt
Vicky Gordy - minutes

GUESTS PRESENT: Vicki Haschak
Gary Cassedy

CALL TO ORDER: The meeting was called to order at 1:05 p.m.

NEXT MEETING: July 15, 2014 – 1 p.m. – 3 p.m.
1056 Woodbrook Conference Room, Dover
Jamie Doane unable to attend

APPROVAL OF MINUTES The minutes from the May 20, 2014 were approved.

Additions to the Agenda

No additions reported.

Home & Community Based Waiver (HCBW)

The DDDS HCBW application was approved by CMS (in record time) and becomes effective on July 1st. Supported Living is included as an additional service; therefore, DDDS is in the process of preparing systems, authorizations, etc. so services are available by July 1st. Supported Living is estimated to affect 40-50 individuals initially. The process of reclassifying individuals and accessing the HCBW is experiencing revisions to ensure a smooth flow and to coincide with the renewed waiver application. Medicaid requires that all HCBW individuals be reviewed annually to verify the continuation of level of care status, that the individual continues to benefit from services received and continues to be financially eligible. Forms (including authorizations) are experiencing revisions. DDDS must institute and is working to develop a preplanning process for the essential living plan (ELP) to improve the quality of participation, particularly by the individual. The case manager holds the responsibility to develop the ELP with the individual's team. DDDS is developing training activities for case managers and case manager supervisors. Staff is working to provide tools via the electronic case management system that will support the case manager supervisor to review case manager's work. Ultimately, the case manager supervisor is responsible for the activities of the case manager to include updates of individual's contact information.

The Committee congratulated DDDS for the short turnaround time and hard work that went into renewing the HCBW. DDDS went through the HCBW line by line with key DDDS team members.

Marie continues work to update the HCBW companion document that will provide instruction and guidance for providers. Due to no revisions for years, this was a major effort for DDDS. DDDS expects only format changes to the draft companion document that DMMA is reviewing. DDDS considers this as a "living document" which will reflect updates as changes occur.

Housing Vacancies

Currently there are 39 vacancies statewide (4.6%); 32 in group/neighborhood homes (9 ARC homes) and 7 in CLA's. Since the beginning of FY14, 67 new placements occurred, 17 have chosen and are in the placement process pending placement (3 of the 17 are emergency temporary living arrangements (ETLA's) and 72 are authorized to shop for placement. DDDS hopes to place 15 of the 17 individuals pending placement by July 1st. RPD's are continuing to follow up with individuals who have been authorized to shop for placement for a significant period of time to inquire if placement continues to be necessary and if DDDS may assist. Staff members will be reminded to speak with families regarding the need to report situations that may rise to a crisis level and if an updated crisis indicator assessment may be necessary. Due to the large increase in emergency placements, ORDM staff continues to investigate to assist in eliminating future ETLA's.

Electronic Record System Status

The nine evaluation committee members (DDDS and IRM employees) are beginning to review the bids placed by three different companies. Demonstrations may include a limited amount of provider agencies in attendance.

Budget Update – Epilogue Language

Epilogue language includes that DDDS is directed to work with representatives to develop additional quality standards for providers of home and community based services and design a program to implement no later than April 1, 2015. The group includes two representatives from the General Assembly, DDDS Director or designee, Director of OMB or designee, Control General or designee, five public citizens appointed by JFC, Executive Director of DELARF or designee, Easter Seals representative, Autism Delaware representative, Chimes representative, DE Families Speaking Up representative and ARC representative. No self-advocates or Governor's Advisory Council members out of the 16 representatives are included in the working group. DDDS holds the responsibility to complete the report.

This may be related to Representatives Smith and Heffernan interest in the STAR Program that was established in Delaware to increase the quality of childcare programs. Reaching specific standard goals for reimbursements and incentive payments are a component of the STAR Program. DDDS has spoken to the Representative's twice relaying the difficulties that arise in creating a standard for outcome measure due to the diversity of individuals DDDS supports in various residential programs. Much state and federal funding was utilized to create the STAR Program. DDDS revealed that funding would be necessary to support hiring a consultant. DDDS funding support was not addressed. The Council discussed that the Americans with Disability Act, passed in 1990 clearly reveals that every case must be reviewed individually, on their own merits.

Epilogue language includes a section regarding transportation. DDDS is unaware where figures of appropriating \$1,169.9 with \$300.0 directed to support providers for additional cost of providing paratransit tickets were developed. The funds (\$300.0) are instructed to be distributed to the providers with the highest numbers of adult day program participants who use paratransit tickets. Providers must submit request for funding by September 1st. DDDS must submit an allocation plan for approval by the Controller General and Office of Management and Budget by September 30, 2014. DDDS is unaware of the establishment of funding or where the remaining \$869.9 will be used.

Family Support Waiver

The FY15 budget epilogue language reflects that DDDS is directed to move forward with developing and establishing a Family Support Waiver (FSW) to begin in FY16 (no firm date given), which needs to be approved by the Controller General and OMB before submitted to CMS. At this time, no funding was identified to support the FSW or the nine requested positions. DDDS stands firm that unless the requested nine additional positions are funded, the FSW will be impossible to manage by DDDS. DDDS will move forward with developing the FSW as directed, which will include meeting with families to talk about design and/or other available options. The Council requested to readdress this agenda item during the July Governor's Advisory Council meeting to strategize an approach to advocate for the FSW.

DDDS has learned that some families did not understand that day services would be included in the FSW. DDDS suggested this option for the FSW to be a cost neutral program. By providing these services in the FSW, this also corrects the error of the state plan supporting day habilitation and prevocational services. If requested, other options may be reviewed and ICAP rates are considered. DDDS developed and can use the cost neutral FSW, which models most states who

provide a FSW, as a starting point that has created dialog with families. Keeping the family together will defer the long term cost as well. Most families are not aware of the cost or charge of services.

The Council discussed that families should know how much funding is used to support individual. The suggestion of case managers bringing yearly total of Medicaid expense used to support individual to ELP meeting was discussed (this is a possibility but would take time and planning). Warren shared that reports indicate that 90% of cost for autism clients are above 21 years of age, due to longevity. Costs are depended upon where individual resides due to family providing no cost care.

The Pathways to Employment Program will support the age group of 14 – 26.

Training

Many parents and/or caregivers have indicated that training opportunities are unknown and feel that it is the state agency's responsibility to reach out with available training opportunities, per Council Chairman. The Chairman spoke of DDDS and other state agencies may schedule meetings with public to notify parents and/or caregivers of what training opportunities are offered, which will provide transparency and support community interaction.

The DDDS training unit is planning a retreat in the near future to review training policy for updates and/or revisions. The role of the training unit needs to be a point of focus due to changing roles and responsibilities to include the College of Direct Support. Provider partnership and roles will also be a focus point. DDDS needs to be a clearinghouse for training opportunities. The DDDS Listserv is used in effort to share training information. Monthly training notices being posted on website or via DDDS Listserv may be available in the future. Looking to DDDS as the sole provider of all training is not feasible. DDDS is continuing to revise the training policy and is working toward the best practice of training requirements.

There are many training opportunities for direct support staff. The Council asked if there are training programs for the individuals' who attend DDDS supported programing (i.e. expected conduct – consequences – rights and responsibilities – proper cell phone use (at work and/or different programs)). DDDS is unaware if provider agencies offer training opportunities for the individuals they serve. DDDS supports and will reach out to self advocates to inquire about the possibility of self advocates providing these types of trainings to individuals. The Council discussed multiple reasons (fear of retaliation, not knowing how, etc.) as to why rights complaints are not filed. In most instances, case managers file a rights complaint on behalf of individual. Provider agencies must review rights and responsibilities yearly with clients.

Out of State Placements

DDDS has minimal out of state placements (mostly youth's in ICT programs) and continues to work to move some back to Delaware. The larger numbers of individuals who are served out of state are in day programs due to the proximity of state borders/lines (Chesapeake Care, Delmarva Community Services). New Jersey, who has one of largest number of out of state placements (who are funded by only state funds), is currently looking to move many individuals back from out of state.

Judge Rotenberg Center

The court overturned the decision, which allowed Judge Rotenberg Center (JRC) to provide aversive treatments to more people. Although still pending, the FDA appears to be leaning toward banning the use of electrical devices on humans. The fair hearing process continues for the two individuals from Delaware who receive treatment at JRC.

The contract with JRC is approaching renewal. Past practice revealed JRC attorneys wrote and were approved to add an addendum to the DDDS contract addendum, which gave access to JRC to practice therapy of choice. DDDS will not allow this practice to proceed.

DDDS continues to work with Delaware's Attorney General Office in an effort to bring individuals back to Delaware. Reportedly, New Jersey successfully brought back JRC placed individuals.

Announcements and Informational Items

Senators S. Brown (OH) and E. Warren (MA) introduced a bill raising the SSI asset from 2K to 10K. The bill also eliminates reduction in benefit when someone receives food or services below market value (mainly effects seniors). This rule has not been updated for more than 40 years. The document pertaining to the bill will be e-mailed to Council.

Both council member and Elwyn representative spoke in the highest regards of the work of a newly employed DDDS behavior analysis, "Katelyn". Both reported she was very engaged, thorough and was impressed by her and by the written report.

DDDS reported that the Arbitre contract is up for renewal (contractor who completes ICAP assessments). DDDS is negotiating for Arbitre to provide face to face assessments (instead of telephone conversations) with individual and family at no extra cost.

The Delaware Disability Hub event at Legislative Hall will be held on June 25th, beginning at noon. This was developed via task force that GACEC began with a variety of members due to a lack of information regarding transition. Different Delaware Departments included in a memorandum of understanding is providing support via funding for this initiative.

The Spencer House (group home in Laurel, DE) is now being operated by The Salvation Army. DDDS continues to work to close the HCBW sites located on the Stockley Center campus. The MAC Center on Stockley Center is an intermediate care facility and will not be affected by the "CMS Community rule". Provider agencies who serve HCBW individuals on an institutional campus to include the group home located on the grounds of Governor Bacon Health Center are moving to become compliant with the CMS Community Rule.

Adjournment

The meeting adjourned at 2:52 p.m.